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THE KASHMIR DISPUTE

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The dispute between India and Pakistan over Kashmir, which began with open warfare in the fall of 1947, has been in the hands of the United Nations Security Council since 1 January 1948, and no end is in sight. Though unlikely to erupt again into war or to lead to a serious diplomatic crisis, the dispute continues to impair the stability of the subcontinent.

The conflict began soon after the partitioning of British India on 15 August 1947, which made no provision regarding Kashmir and other princely states (see map, p. 5). Pro-Pakistani Moslems in the Poonch and Jammu areas of southwest Kashmir revolted against the oppressive rule of their Hindu Maharajah, who had declared his intention of establishing Kashmir as an independent state. Joined by [redacted] tribesmen from Pakistan, these rebellious Moslems pushed the Maharajah's forces nearly to the capital city of Srinagar. About 1 October, they established the state of Azad (Free) Kashmir.

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On 26 October the Maharajah, seeing his capital threatened, suddenly acceded to India. On 27 October India accepted with the provision that when peace had been restored the "question of the state's accession should be settled by a reference to the people." British and American legal experts have expressed doubts regarding the validity of the accession, both on the basis of its text and on the circumstances under which it was signed.

Indian troops were flown to Srinagar on 27 October to combat the rebels, but they made little headway in the next few months. On 1 January 1948 India took the case to the UN Security Council, stating that the situation was "likely to endanger international peace and security" and charging Pakistan with an invasion of Kashmir.

On 20 January 1948 the Security Council established a UN Commission for India and Pakistan (UNCIP). Fighting continued, however, and by spring Indian troops were advancing toward the Pakistani border. On 8 May, Pakistani regular army troops entered Kashmir, reportedly to prevent (a) an Indian invasion of Pakistani territory, (b) another large influx of refugees into Pakistan similar to that which occurred about the time of the partition, and (c) complete Indian occupation of the state.

By 13 August, UNCIP had framed a resolution calling for a cease-fire, the withdrawal of the Pakistani Army from Kashmir, removal of the "bulk" of Indian forces from the state, and determination of the future status of Kashmir "in accordance with the will of the people." The cease-fire became effective on 1 January 1949.

On 5 January 1949, UNCIP adopted another resolution, providing for an impartial plebiscite, once peace had been restored, to decide whether Kashmir as a whole would accede to India or Pakistan. It set up the office of a Plebiscite Administrator and stated that UNCIP and the Plebiscite Administrator, in consultation with India, would determine the final disposition of Indian and Kashmir State forces necessary for the security of the state and the freedom of a plebiscite.

Both India and Pakistan agreed to this resolution, but have argued for four years now over the conditions under which a plebiscite might be held. The basic questions on which they cannot agree concern the method of demilitarizing the state, the nature and number of troops to be left on each side of the cease-fire line at the time of the plebiscite, and the date on which the Plebiscite Administrator should take office.

On 17 December 1949, the UN Commission reported failure to achieve agreement and called for a single negotiator to carry on its work. Following this proposal, General McNaughton of Canada unsuccessfully attempted between December 1949 and February 1950 to obtain agreement to the principle of progressive demilitarization. During 1950 Sir Owen Dixon of Australia, who succeeded McNaughton, raised the matter of partition-and-plebiscite. His negotiations broke down on the question of UN supervision of doubtful areas in which a plebiscite would be held.

On 30 March 1951, the UN Security Council passed a resolution calling on India and Pakistan to discuss demilitarization and to submit all differences to arbitration. Despite Indian objections to the arbitration clause, Dr. Frank Graham was appointed to carry on Dixon's efforts. Since then, five attempts by Graham to win agreement on demilitarization proposals have failed. His latest report, on conversations held in Geneva during February 1953, was submitted to the Security Council on 31 March.

Despite its agreement to hold an impartial plebiscite, India's position throughout all negotiations has been that it is in full legal possession of Kashmir by virtue of the

Maharajah's accession and that Pakistan is an invader without rights. India therefore refuses to withdraw the bulk of its troops until the tribal forces on the Pakistani side of the cease-fire line have been for the most part disarmed and disbanded.

Pakistan claims that the accession to India was illegal since Pakistan had a prior "standstill" agreement with the Maharajah and since that ruler had no authority and fled his capital on the day he signed the accession instrument. Pakistan therefore feels that Azad Kashmiri forces should be disarmed and disbanded only as Indian troops are reduced in number.

No settlement of the problem is yet in sight. It has become clear, however, that Pakistan has consistently been willing to compromise, while India has been generally unyielding. A solution, therefore, appears to depend almost entirely on India's making some concession. Since India now controls most of the state, it is disinclined to retreat from its position.

After the cease-fire in January 1949, the threat of war continued to hang over Kashmir. With the passage of time, however, Pakistani remarks about national honor and settlement of the Kashmir dispute by "other means" if peaceful ones should fail have become stereotyped. Despite scares caused by the movements of troops in the summers of 1951 and 1952, neither the Indian nor the Pakistani Government has shown any inclination to go to war. Partition of the state along the existing cease-fire line is possible but improbable, because all parties are reluctant to raise a question on which, unlike a plebiscite, there has been no measure of agreement. It appears, therefore, that the stalemate will continue.

Meanwhile, the dispute involves the maintenance of about 60,000 Indian and Kashmir State troops, plus 13,000 Azad Kashmir forces along the cease-fire line. It has been used by Pakistan as a reason for not sending troops to Korea and is an important factor hampering Pakistan's association with Western defense plans, particularly in the Middle East.

If a satisfactory settlement could be reached, the way might be paved for fruitful negotiations on Indo-Pakistani trade relations, the canal waters dispute, and the payment of debts and other obligations. Furthermore, both countries could turn their attention to additional internal economic development projects. A solution in Kashmir, however, would not be a panacea for all South Asian ills, nor would it lead to a cessation of all of the bitter feeling between India and Pakistan.

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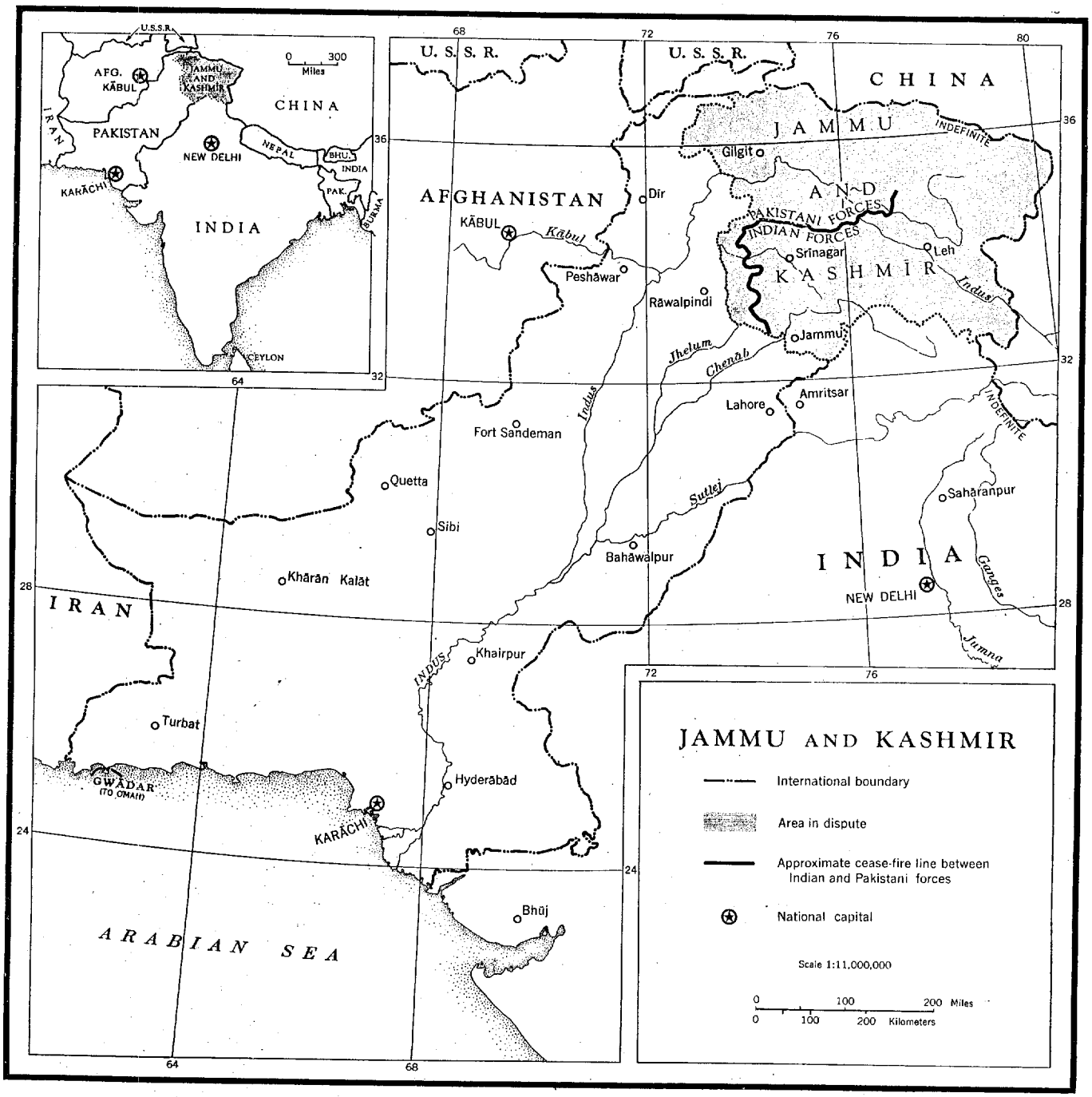

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